

Mark M. Jones, Esq.  
Nevada Bar No. 267  
m.jones@kempjones.com  
KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Pkwy., 17th Floor  
Las Vegas, Nevada 89169  
Telephone: (702) 385-6000  
*Attorney for Defendants*  
*GYBB Recycling, LLC; Benny Yamagata;*  
*GY General Industries, LLC; and*  
*Yamagata Enterprises Family Office, LLC*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

\* \* \*

3500-3675 PROCYON LLC, a Delaware  
limited liability company,

Plaintiff,

vs.

BB RECYCLING, INC., a Nevada  
corporation; GYBB RECYCLING, LLC, a  
Nevada limited liability company; BERT  
BORS, an individual; BENNY  
YAMAGATA, an individual; GY GENERAL  
INDUSTRIES, LLC, a Nevada limited  
liability company; YAMAGATA  
ENTERPRISES FAMILY OFFICE, LLC, a  
Nevada limited liability company; and DOES  
1 through X, inclusive; and ROE BUSINESS  
ENTITIES XI through XX, inclusive,

Defendants.

Case No.: 2:18-cv-01665-APG-GWF

**STIPULATION, REQUEST AND ORDER  
EXTENDING TIME TO ANSWER OR  
OTHERWISE RESPOND TO PLAINTIFF'S  
COMPLAINT (Second Request)**

Defendants GYBB RECYCLING, LLC; BENNY YAMAGATA; GY GENERAL  
INDUSTRIES, LLC; and YAMAGATA ENTERPRISES FAMILY OFFICE, LLC (collectively  
the "GYBB Defendants") and Plaintiff 3500-3675 PROCYON, LLC, by and through their  
respective counsel, hereby respectfully submit this Stipulation, Request and Order Extending  
Time to Answer or Otherwise Respond to Plaintiff's Complaint (the "Stipulation"). This  
Stipulation is made in accordance with LR IA 6-1, LR IA 6-2, and LR 7-1 of the Local Rules of

1 this Court. This is the second request for an extension of time to file an answer or otherwise  
2 respond to Plaintiff's Complaint.

3 The GYBB Defendants accepted service of Plaintiff's Complaint on September 26,  
4 2018. As such, the GYBB Defendants' responsive pleading was due October 26, 2018. The  
5 parties agreed to discuss settlement and stipulated to extend the deadline for the GYBB  
6 Defendants to prepare a responsive pleading to Plaintiff's Complaint to November 9, 2018. In  
7 order to provide Plaintiff's counsel an opportunity to discuss settlement with his client and to  
8 provide the parties ample time to continue to discuss settlement, the instant extension is  
9 requested.

10 Upon agreement by and between all the parties hereto as set forth herein, the GYBB  
11 Defendants respectfully request that this Court grant an extension of time, up to and including  
12 December 10, 2018, for the GYBB Defendants to file an answer or otherwise respond to  
13 Plaintiff's Complaint. By entering into this Stipulation, none of the parties waive any rights they  
14 have under statute, law or rule with respect to Plaintiff's Complaint or responding to the same.

15 DATED this 5th day of November, 2018.

DATED this 5th day of November, 2018.

16 KEMP, JONES & COULTHARD, LLP

ALBRIGHT, STODDARD,  
WARNICK & ALBRIGHT

17 /s/ Mark M. Jones

18 /s/ D. Chris Albright

19 Mark M. Jones, Esq.  
20 Nevada Bar No. 267  
21 3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
22 Las Vegas, Nevada 89169  
23 *Attorneys for Defendants*  
*GYBB Recycling, LLC; Benny Yamagata;*  
*GY General Industries, LLC; and*  
*Yamagata Enterprises Family Office, LLC*

D. Chris Albright, Esq.  
Nevada Bar No. 4904  
William H. Stoddard, Jr., Esq.  
Nevada Bar No. 8679  
801 South Rancho Drive, Suite D-4  
Las Vegas, Nevada 89106  
*Attorneys for Plaintiff*

24 **ORDER**

25 IT IS SO ORDERED.

26 

27 UNITED STATES MAGISTRATE JUDGE

28 Dated: 11-6-2018